

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

X CORP.,

Plaintiff,

v.

Civil Action No. 7:24-cv-00114-B

WORLD FEDERATION OF ADVERTISERS;
MARS, INCORPORATED; CVS HEALTH
CORPORATION; ØRSTED A/S; TWITCH
INTERACTIVE, INC.; NESTLÉ S.A.; NESTLE
USA, INC.; ABBOTT LABORATORIES;
COLGATE-PALMOLIVE COMPANY; LEGO
A/S; LEGO BRAND RETAIL, INC.;
PINTEREST, INC.; TYSON FOODS, INC.;
SHELL PLC; SHELL USA, INC. and SHELL
BRANDS INTERNATIONAL AG,

Defendants.

**DEFENDANT NESTLÉ S.A.'S UNOPPOSED MOTION FOR LEAVE
TO WAIVE LOCAL COUNSEL REQUIREMENT**

Pursuant to Local Rule 83.10, Defendant Nestlé S.A., by and through the undersigned attorneys, respectfully seeks leave to proceed without local counsel. The grounds for this motion are as follows:

1. On February 6, 2025, Plaintiff X Corporation amended its Complaint to name new defendants, including Nestlé S.A. ECF No. 77.
2. Upon receiving notice of this lawsuit, Nestlé S.A. retained Carmine R. Zarlenga, a partner with Mayer Brown LLP, as lead counsel for his depth of experience and expertise with the matters at issue in this case. Although Mr. Zarlenga now practices from D.C., he has been an active bar member in good standing with this Court for over 34 years. Mr. Zarlenga was admitted to practice in the Northern District of Texas on April 8, 1991. Mr. Zarlenga is knowledgeable of the

local rules and familiar with the procedures and requirements of the Northern District of Texas. Mr. Zarlenga is registered with the Court's ECF system.

3. Indeed, Mr. Zarlenga is capable of satisfying all the duties normally associated with local counsel, including those duties specifically referenced in Local Rule 83.10(b). Mr. Zarlenga can and will be available to attend hearings before this Court or to timely perform any other duty as required by the Court or the local rules of this District.

4. Further, Mr. Zarlenga is a member in good standing in all of the courts before which he is admitted to practice, including but not limited to the Northern District of Texas, the Southern District of Texas, and the U.S. Court of Appeals for the Fifth Circuit.

5. Should the Court be disinclined to grant this request, Nestlé S.A. requests in the alternative that it be permitted to proceed without local counsel until such time that the Court has ruled on Nestlé S.A.'s forthcoming motion to dismiss for lack of personal jurisdiction. Courts in this district have routinely granted leave for parties to proceed without local counsel when they appear for a limited purpose or when a pending motion is likely to moot the necessity for local counsel.

- *Klein v. O'Neal, Inc.*, (N.D. Tex. No. 7:03-cv-102-D), ECF No. 138 (order granting leave to proceed without local counsel for a non-party appearing for the limited purpose of responding to a motion for contempt and sanctions.)
- *Ryan LLC v. Federal Trade Commission*, (N.D. Tex. No. 3:24-cv-00986-E), ECF No. 74 (order granting leave for *amicus curiae* to proceed without counsel).
- *Parker v. Pfizer, Inc.* (N.D. Tex., No. 4:14-cv-262-Y), ECF No. 9 (order granting leave for defendant to proceed without local counsel pending a Conditional Transfer Order to another district court.)

- *See also Villegas v. Unate*, 2015 WL 1540819 (N.D. Tex. Apr. 7, 2015) (J. Boyle) (order deferring and ultimately granting a defendant's motion to proceed without local counsel until the Court had ruled on defendants' motion to transfer venue).

7. The parties have conferred, and Plaintiff does not oppose this motion.

WHEREFORE, Nestlé S.A. respectfully requests that this Court enter an order waiving the requirement that Nestlé S.A. retain local counsel or, deferring the requirement until the Court has ruled on Nestlé S.A.'s motion to dismiss for lack of personal jurisdiction.

Dated: May 14, 2025

Respectfully submitted,

By: /s/ Carmine R. Zarlenga
Carmine R. Zarlenga (NDTX Bar No. 386244DC)
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Attorneys for Defendant Nestlé S.A.

CERTIFICATE OF CONFERENCE

I hereby certify that on May 12 2025, Defendant Nestlé S.A. conferred with Plaintiff's counsel regarding this motion and Plaintiff indicated it was unopposed.

/s/ Carmine R. Zarlenga
Carmine R. Zarlenga

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Carmine R. Zarlenga
Carmine R. Zarlenga